

Appl. No 10/761,731  
Amdt. dated November 1, 2005  
Reply to office action of August 11, 2005

### **REMARKS/ARGUMENTS**

This amendment is filed with a Request For Continued Examination under 37 C.F.R. §1.114.

Claims 1-29 are pending in the present application. Claims 1-20 presently stand rejected. Independent claims 1, 8, and 15, and dependent claims 2 and 9 have been amended. Claims 21-29 are New. No new matter is introduced.

Applicant respectfully requests reconsideration and allowance of the present claims in view of the foregoing amendments and following remarks.

#### **Claim rejections under 35 U.S.C. 102 (b).**

Claims 15-20 stand rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S.3,142,211 to Faso. The Examiner's rejections under 35 U.S.C. 102(b) are hereinafter traversed and reconsideration is respectfully requested for the following reasons.

Applicant presently claims a retainer that is 'permanently secured' to a holder, whereas Faso teaches a retainer that is non-permanently secured to a holder. A retainer that is permanently secured to a holder is supported in Applicant's original specification in paragraph [0034].

Claims 1-3, 5, 7-10, 12, and 14 stand rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S.2,273,861 to Green. The Examiner's rejections under 35 U.S.C. 102(b) are hereinafter traversed and reconsideration is respectfully requested for the following reasons.

Applicant presently claims a retainer that is 'permanently secured' to a holder, whereas Green teaches a retainer that is non-permanently secured. A retainer that is

Appl. No 10/761,731  
Amdt. dated November 1, 2005  
Reply to office action of August 11, 2005

permanently secured to a holder is supported in Applicant's original specification in paragraph [0034]. Also, Applicant has defined the location of the notches with respect to previously defined elements. Applicant presently claims a second notch that is 'transverse to said insertion direction and parallel with said first notch, and in a sidewall of said holder'. Green teaches a first slot (31) in a sleeve (24) [holder] and a second depression (28) in a shank (11). The second depression is clearly not in the sleeve (24) [holder].

Claims 1, 5, 6-8, and 12-14 stand rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S 1,558,267 to McGuckin. The Examiner's rejections under 35 U.S.C. 102(b) are hereinafter traversed and reconsideration is respectfully requested for the following reasons.

Applicant presently claims a retainer that is 'permanently secured' to a holder, whereas McGuckin teaches a retainer (10) that is non-permanently secured to shank (2) with wings (7). A retainer that is permanently secured to a holder is supported in Applicant's original specification in paragraph [0034].

Claims 1-3, 7-10, and 14 stand rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S 4,976,174 to Walsh. The Examiner's rejections under 35 U.S.C. 102(b) are hereinafter traversed and reconsideration is respectfully requested for the following reasons.

Applicant presently claims a retainer that is 'permanently secured' to a holder, whereas Walsh teaches a retainer (34) that is non-permanently secured to socket (20) with split shaft (31). The retainer of Walsh is removably secured to a holder. A retainer that is permanently secured to a holder is supported in Applicant's original specification in paragraph [0034]. Also, Applicant has defined the location of the notches with respect to previously defined elements. Applicant presently claims a second notch that is 'transverse to said insertion direction and parallel with said first notch, and in a sidewall of said holder'.

Appl. No 10/761,731  
Amdt. dated November 1, 2005  
Reply to office action of August 11, 2005

Claims 1-3, 5, 8-10, and 12 stand rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. 2,798,394 to Hubbard. The Examiner's rejections under 35 U.S.C. 102(b) are hereinafter traversed and reconsideration is respectfully requested for the following reasons.

Applicant presently claims a retainer that is 'permanently secured' to a holder, whereas Hubbard teaches a retainer (20) that is non-permanently secured to bores (26). The Examiner's attention is drawn to Column 2, lines 1-3 of Hubbard. A retainer that is permanently secured to a holder is supported in Applicant's original specification in paragraph [0034]. Also, Applicant has defined the location of the notches with respect to previously defined elements. Applicant presently claims a second notch that is 'transverse to said insertion direction and parallel with said first notch, and in a sidewall of said holder'.

#### **Claim rejections under 35 U.S.C. 103(a).**

Claims 4 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Green, McGuckin, Walsh or Hubbard in view of Fogel or Faso. The Examiner's rejections under 35 U.S.C. 103(3) are hereinafter traversed and reconsideration is respectfully requested for the following reasons.

Claims 4 and 11 depend from amended independent claims 1 and 8 respectively. For the reasons presented above, applicant claims 1 and 8 presently distinguish over Green, McGuckin, Walsh and Hubbard, so the resulting combination or modification of Green, McGuckin, Walsh and Hubbard with the teachings of Fogel or Faso does not appear to show or suggest the Applicant's claimed invention.

#### **New Claims.**

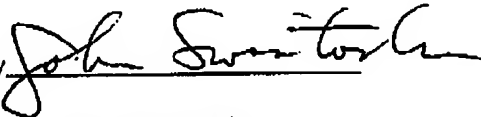
The Applicant has added claims 21-29, which are supported in paragraphs [0028] and [0034] of Applicant's original specification for example. None of the publications cited by The Examiner teach or suggest a retainer that is permanently secured to a holder.

Appl. No 10/761,731  
Amdt. dated November 1, 2005  
Reply to office action of August 11, 2005

Nor do the publications teach or suggest a retainer with a rectangular cross section with or without a chamfered edge.

In view of the foregoing, The Applicant respectfully request withdrawal of the rejections against Claims 1-20 and allowance of Claims 1-29. The Examiner is cordially invited to telephone Applicant's representative if it appears a telephone discussion would help resolve any outstanding matters or place the application in even better condition for allowance. Please charge any required fees to the Deposit Account of record.

Respectfully submitted,

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